

Remarks

Rejection of Claims under 35 U.S.C. § 102

Claims 1-5, 11 and 16-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by a U.S. Patent Application Publication 2003/0065308 by Lebel et al. (hereinafter, “Lebel”).

The Applicant respectfully disagrees that claims 1-5, 11 and 16-20 are anticipated by Lebel.

As a starting point, the PTO and the Federal Circuit provide that §102 anticipation requires each and every element of the claimed invention to be disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. (*Kloster Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986)). Furthermore, “[a]nticipation requires that all of the elements and limitations of the claims are found within a single prior art reference.” (*Scripps Clinic and Research Found. v Genetech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991) (emphasis added)). Moreover, the PTO and the Federal Circuit provide that §102 anticipation requires that there must be no difference between the claimed invention and the reference disclosure. (*Scripps Clinic and Research Found. v. Genetech, Inc.*, id. (emphasis added)).

Accordingly, if the Applicant can demonstrate that any one element or limitation in claims 1-5, 11 and 16-20 is not disclosed by Lebel, then the respective claim(s) must be allowed.

In the following arguments, the Applicant will focus in particular on independent claims 1, 11 and 18, as the Applicant believes those claims to be allowable over Lebel. It is axiomatic that any dependent claim which depends from an allowable base claim is

1 also allowable, and therefore the Applicant does not believe it is necessary to present
2 arguments in favor of each and every dependent claim. The fact that Applicant has not
3 presented herein specific arguments in favor of the allowability of each and every
4 dependent claim which depends from arguably allowable independent claim is not to be
5 considered as an admission that the dependent claims are only allowable as a result of
6 their dependence on an allowable base claim, but rather as a matter of efficiency in
7 responding to the instant Office action. The Applicant makes no concession nor
8 admission that any dependent claim is allowable based solely on its dependence from
9 an allowable base claim.

10

11 Claim 1

12 The Applicant contends that independent claim 1, and rejected claims 2-10 that
13 depend therefrom, are not anticipated by Lebel. Claim 1 recites:

15 A document processing apparatus comprising:
16 a display;
17 a plurality of user-accessible input points configured to generate
18 input point signals in response to being accessed by a user;
19 an electronic readable memory device comprising **descriptions of**
20 **selected ones of the plurality of user-accessible input points in a**
21 **plurality of languages;** and
22 a processor configured to associate an input point signal from an
23 input point with a **corresponding description of the input point** in a
24 preselected one of the plurality of languages and to **display the**
25 **description** on the display.
(Emphasis added.)

The Office action first claims that Lebel discloses "a document processing apparatus." In fact, Lebel discloses a surgically implantable medical delivery system that

1 supplies insulin to the body of a patient afflicted with diabetes mellitus, the system
2 including an external communication device to control the surgical implant. (Lebel Para
3 [115].) A careful reading of Lebel does not reveal the word "document" anywhere within
4 68 pages of disclosure. In no way can a surgically implantable insulin delivery system
5 be characterized as "a document processing apparatus" as disclosed by the Applicant.

6 The Office action next claims that Lebel "discloses an electronic readable
7 memory device comprising **descriptions of selected ones of the plurality of user-**
8 **accessible input points in a plurality of languages.**" (Emphasis added.) The Office
9 action then claims that Lebel "further discloses a processor configured to associate an
10 input point signal from an input point with a **corresponding description of the input**
11 **point** in a preselected one of the plurality of languages and to **display the description**
12 on the display." (Emphasis added.)

13 In fact, Lebel never discloses "an electronic readable memory device comprising
14 **descriptions of selected input points . . . in a plurality of languages**", as is required
15 by Applicant's claim 1. Nor does Lebel disclose "a processor configured to associate an
16 input point signal from an input point with a **corresponding description of the input**
17 **point** in a preselected one of the plurality of languages and to **display the description**
18 on the display," as also required by the Applicant's claim 1. Rather, Lebel teaches that
19 "[a] dot-matrix display allows various languages to be displayed with only a software
20 change or change of a parameter (variable) within the software." (Lebel Para [228].)

22 However, Lebel never teaches "an electronic readable memory device that
23 comprises "**descriptions of selected ones of the plurality of user-accessible input**
24 **points**" for display in even one language, let alone in "one of a plurality of languages",
25 as required by the Applicant's claim 1. Allowing various languages to be displayed on a
dot-matrix display through a parameter change (per Lebel), is far different than "a
processor configured to associate an input point signal from an input point with a

1 ***corresponding description of the input point*** in a preselected one of the plurality of
2 languages and to ***display the description*** on the display," as required by Applicant's
3 claim 1. In fact, Lebel actually teaches away from displaying ***a description of an input***
4 ***point in any language***. Lebel describes that the "display device is controlled to show a
5 plurality of infusion parameters simultaneously" (Lebel Para [068]); and the display is
6 configured to, "display [] the quantity of a consumable estimated to be remaining in the
7 system" (Lebel Para [071]) where "the consumable is a quantity of a drug estimated to
8 be remaining in a reservoir (Lebel Para [072]); and where "the consumable is either (1)
9 battery power remaining in a replaceable CD battery in the communication device and a
10 voltage level on the CD battery is graphically depicted with a desired resolution, or (2)
11 battery power remaining in an MD battery in the medical device and a voltage level on
12 the battery is graphically depicted with a desired resolution[]" (Lebel Para [073]); and to
13 display "a plurality of patient programmable options and wherein at least one of the
14 patient programmable options may be enabled or disabled such that when disabled the
15 at least one patient programmable option is no longer displayed as an option." (Lebel
16 Para [074].) All of the recited uses for a display as described by Lebel are related to
17 operational parameters and processes of a surgically implantable insulin pump, rather
18 than "descriptions of selected ones of the plurality of user-accessible input points" of "a
19 document processing apparatus", as required by Applicant's claim 1. Indeed, Lebel
20 literally teaches away from the Applicant's claim 1 by illustrating that programmable
21 options are no longer displayed when disabled, such that not only is there no description
22 of an input point, but that any language selection for the description is completely
23 irrelevant since the option is not displayed.

25 For at least these reasons, the Applicant contends that Lebel does not anticipate
Applicant's claim 1.

1 The 35 U.S.C. § 102 rejection of claim 1 is thus unsupportable in view of the
2 requirements for such a rejection as described above. Thus, the Applicant contends that
3 claim 1 is allowable. As claim 1 is allowable, claims 2-10 are allowable by virtue of their
4 dependence upon an allowable base claim, as well as their own respective merits.

5

6 Claim 11

7 The Applicant contends that independent claim 11, and rejected claims 12-17
8 that depend therefrom, are not anticipated by Lebel. Claim 11 recites:

9

10 A method for displaying local language descriptions of a plurality of user
11 accessible input points of a document processing apparatus, comprising:

12 providing, on a machine readable medium and in the local language, **a**
13 **plurality of descriptions of user input points corresponding to the**
plurality of user accessible input points; and

14 in response to a user accessing an input point, accessing the local
15 language description of the user input point which corresponds to the user
16 input point, and **displaying to the user the local language description of**
the user input point.

17 (Emphasis added)

18

19 The Office action claims that Lebel anticipates and therefore discloses all of the
20 limitations of claim 11. In fact, Lebel never discloses "providing, on a machine readable
21 medium and in the local language, **a plurality of descriptions of user input points**
corresponding to the plurality of user accessible input points", as recited by
22 Applicant's claim 11. In fact, Lebel never discloses or teaches anything like "**a plurality**
23 **of descriptions of user input points corresponding to the plurality of user**
24 **accessible input points**", as recited by Applicant's claim 11. Lebel recites uses for a
25 machine readable medium that are related to storing operational parameters and
processes of a surgically implantable insulin pump ("memory for simultaneously storing a

1 plurality of parameters that are each used during a different time period to, at least in
2 part, control the treatment provided to the body or the monitoring of the body that is
3 provided by the medical device" (Lebel Para [0056]), rather than "providing a plurality of
4 descriptions of user input points in a local language that correspond to a plurality of user
5 accessible input points of "a document processing apparatus", as required by Applicant's
6 claim 11.

7 Furthermore, and more particularly, Lebel never teaches that in response to a
8 user accessing an input point, a local language description of the user input point which
9 corresponds to the user input point is accessed and displayed to the user, as required by
10 Applicant's claim 11. As discussed above with reference to claim 1, Lebel merely
11 discloses that "[a] dot-matrix display allows various languages to be displayed with only
12 a software change or change of a parameter (variable) within the software." (Lebel Para
13 [228].) But Lebel never discloses that the content of information displayed includes any
14 **description of a user input point**, in a local language as is required by Applicant's
15 claim 11. By analogy to the discussion above with reference to Applicant's claim 1,
16 Lebel also teaches away from the Applicant's claim 11 by illustrating that programmable
17 options are no longer displayed when disabled, such that not only is there no description
18 of a user input point, but that any language selection for the description is completely
19 irrelevant since the option is not displayed to a user. (Lebel Para [074].)

20 For at least these reasons, the Applicant contends that Lebel does not anticipate
21 Applicant's claim 11. The 35 U.S.C. § 102 rejection of claim 11 is thus unsupportable in
22 view of the requirements for such a rejection as described above. Thus, the Applicant
23 contends that claim 11 is allowable. As claim 11 is allowable, claims 12-17 are
24 allowable by virtue of their dependence upon an allowable base claim, as well as their
25 own respective merits.

1 Claim 18

2 The Applicant contends that independent claim 18, and rejected claims 18-20
3 that depend therefrom, are not anticipated by Lebel. Claim 18 recites:

5 A document processing apparatus comprising:

6 a display;

7 a plurality of user-accessible input points configured to generate
8 input point signals in response to being accessed by a user;

9 an electronic readable memory device comprising **descriptions of**
10 **selected ones of the plurality of user-accessible input points in a local**
language; and

11 a processor configured to associate an input point signal from an
12 input point with a **corresponding description of the input point in the**
local language and to display the description on the display.

13 (Emphasis added)

14
15 Claim 18 includes the same limitations required of claim 11, and that are not
16 disclosed by Lebel as discussed above. Therefore, for at least the reasons described
17 above with reference to Claim 11, the Applicant contends that Lebel does not anticipate
18 Applicant's claim 18. The 35 U.S.C. § 102 rejection of claim 18 is thus unsupportable in
19 view of the requirements for such a rejection as described above. Thus, the Applicant
20 contends that claim 18 is allowable. As claim 18 is allowable, claims 19-20 are
21 allowable by virtue of their dependence upon an allowable base claim, as well as their
22 own respective merits.

23
24 Rejection of Claims under 35 U.S.C. § 103(a)

25 Claim 6 has been rejected under 35 U.S.C. § 103 as being obvious over Lebel in
view of U.S. Patent No. 5,526,268 to Tkacs et al. (hereafter, Tkacs).

1 Claim 7 has been rejected under 35 U.S.C. § 103 as being obvious over Lebel
2 and Tkacs in further view of U.S. Patent No. 5,790,652 to Gulley et al. (hereafter,
3 Gulley).

4 Claim 8 has been rejected under 35 U.S.C. § 103 as being obvious over Lebel in
5 view of Japanese Patent No. 11,053,941 to Matsuda (hereafter, Matsuda).

6 Claim 9 has been rejected under 35 U.S.C. § 103 as being obvious over Lebel in
7 view of U.S. Patent No. 5,009,276 to Raikes et al. (hereafter, Raikes).

8 Claim 10 has been rejected under 35 U.S.C. § 103 as being obvious over Lebel
9 in view of U.S. Published Patent Application No. 2003/0065308 to Jacobs (hereafter,
10 Jacobs).

11 Claim 12-16 have been rejected under 35 U.S.C. § 103 as being obvious over
12 Lebel in view of U.S. Patent No. 6,507,352 to Cohen et al. (hereafter, Cohen).

13 Claim 17 has been rejected under 35 U.S.C. § 103 as being obvious over Lebel
14 and Cohen in view of Gulley.

15 The Applicant respectfully disagrees that claims 6-10 and 12-17 are obvious as
16 respectively described above, for at least those reasons provided above in regard to the
17 axiomatic allowability of claims depending from respective allowable base claims 1, 11
18 and 18 of the instant application. Applicant therefore contends that instant claims 6-10
19 and 12-17 are allowable as elaborated in part hereafter.

20 As a starting point, MPEP 706.02(j) states:

21 "[t]o establish a *prima facie* case of obviousness, three basic
22 criteria must be met. First, there must be some suggestion or motivation,
23 either in the cited references themselves or in the knowledge generally
24 available to one of ordinary skill in the art, to modify the reference or to
25 combine the reference teachings. Second, there must be a reasonable
expectation of success. Finally, the prior art reference (or references
when combined) must teach or suggest all the claim limitations. The

1 teaching or suggestion to make the claimed combination and the
2 reasonable expectation of success must both be found in the prior art and
3 not based on applicant's disclosure." (Emphasis added.)

4

5 The Applicant respectfully submits that the rejection of Claim 6 is improper.
6 Claim 6 depends from claim 1. For the reasons stated above with reference to claim 1,
7 Lebel does not disclose, teach or even suggest the limitations of claim 1. Furthermore,
8 Lebel actually teaches away from the limitations of claim 1 and therefore, Lebel cannot
9 be properly combined with Tkacs to reject claim 6 under 35 U.S.C. § 103(a).

10 The Applicant respectfully submits that the rejection of Claim 7 is improper.
11 Claim 7 depends from Claim 1. For the reasons stated above with reference to claim 1,
12 Lebel does not disclose, teach or even suggest the limitations of claim 1. Furthermore,
13 Lebel actually teaches away from the limitations of claim 1 and therefore, Lebel cannot
14 be properly combined with Tkacs and Gulley to reject claim 7 under 35 U.S.C. § 103(a).

15 The Applicant respectfully submits that the rejection of Claim 8 is improper.
16 Claim 8 depends from Claim 1. For the reasons stated above with reference to claim 1,
17 Lebel does not disclose, teach or even suggest the limitations of claim 1. Furthermore,
18 Lebel actually teaches away from the limitations of claim 1 and therefore, Lebel cannot
19 be properly combined with Matsuda to reject claim 8 under 35 U.S.C. § 103(a).

20 The Applicant respectfully submits that the rejection of Claim 9 is improper.
21 Claim 9 depends from claim 1. For the reasons stated above with reference to claim 1,
22 Lebel does not disclose, teach or even suggest the limitations of claim 1. Furthermore,
23 Lebel actually teaches away from the limitations of claim 1 and therefore, Lebel cannot
24 be properly combined with Raikes to reject claim 9 under 35 U.S.C. § 103(a).

25 The Applicant respectfully submits that the rejection of Claim 10 is improper.
Claim 10 depends from claim 1. For the reasons stated above with reference to claim 1,
Lebel does not disclose, teach or even suggest the limitations of claim 1. Furthermore,

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1 Lebel actually teaches away from the limitations of claim 1 and therefore, Lebel cannot
2 be properly combined with Jacobs to reject claim 10 under 35 U.S.C. § 103(a).

3 The Applicant respectfully submits that the rejection of Claim 12-16 are improper.
4 Claim 12-16 depend from claim 11. For the reasons stated above with reference to
5 claim 11, Lebel does not disclose, teach or even suggest the limitations of claim 11.
6 Furthermore, Lebel actually teaches away from the limitations of claim 11 and therefore,
7 Lebel cannot be properly combined with Cohen to reject claims 12-16 under 35 U.S.C. §
8 103(a).

9 The Applicant respectfully submits that the rejection of Claim 17 is improper.
10 Claim 17 depends from claim 11. For the reasons stated above with reference to claim
11 11, Lebel does not disclose, teach or even suggest the limitations of claim 11.
12 Furthermore, Lebel actually teaches away from the limitations of claim 11 and therefore,
13 Lebel and Cohen cannot be properly combined with Gulley to reject claims 17 under 35
14 U.S.C. § 103(a).

Summary

17 The Applicant believes that this response constitutes a full and complete
18 response to the Office action, and therefore requests timely allowance of claims 1
19 through 20.

20 The Examiner is respectfully requested to contact the below-signed
21 representative if the Examiner believes this will facilitate prosecution toward allowance of
22 the claims.

Respectfully submitted,

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25 Date: April 07, 2004

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